

2006298-GVC/RMF:dm

Firm I.D. No. 35445

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS – EASTERN DIVISION

KEVIN JAY LONG,

Plaintiff,

v.

MARTIN A. VOGEL, LOUIS A. RANGEL,
SISTER BERNADETTE MATHEISON,
EMERY JOSEPH YOST, JOHN YOST,
JOSEPH PATRICK MCCAFFERY, NORMA
L. WATERS, KATHLEEN WATERS,

Defendants.

FILED

SEP 21 2004

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

Court No. 04C 4581

Judge Gottschall

Mag. Ashman

NOTICE OF MOTION

TO: Kevin Jay Long, B.S.
Medicolegal Research Company
4572 North Milwaukee Avenue, Suite 5B
Chicago, Illinois 60630-3745

Joseph P. McCaffery, Esq.
2210 Sandburg Drive
Aurora, Illinois 60506

On the 30 day of September 2004, at 9:30am or as soon thereafter as counsel may be heard, I shall appear before the Honorable Joan B. Gottschall, or any judge sitting in Room 1919 of the U.S. District Court, Northern District of Illinois, Eastern Division, Chicago, Illinois, and shall present the attached Motion, a copy of which is attached hereto.

O'HAGAN, SMITH & AMUNDSEN, L.L.C.
150 North Michigan Avenue, Suite 3300
Chicago, Illinois 60601
(312) 894-3200

PROOF OF SERVICE

The undersigned, a non-attorney, certify that I served this document by mailing a copy to the above-named attorney(s) at the address(es) as listed and depositing the same in the United States Mail located at 150 N. Michigan Avenue, Chicago, Illinois 60601, prior to 5:00 p.m. on the 21st day of September 2004, with proper postage prepaid. Under penalties as provided by law pursuant to 735 ILCS 5/1-109, I certify that the preceding sentence is true and correct.

Dee A. Long

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Defendants.

Plaintiff: MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

Court No. 04C 4581

Jag. batschall
Mag. Ashman

OCT - 1 2004

MOTION

NOW COME the defendants, CATHOLIC BISHOP OF CHICAGO, a corporation sole, incorrectly sued herein as CATHOLIC BISHOP OF CHICAGO, a corporation/sole OUR LADY OF VICTORY SCHOOL; and SISTER BERNADETTE MATHEISON, individually, by and through their attorneys, O'HAGAN, SMITH & AMUNDSEN, L.L.C., and move this Honorable Court to strike their Appearance and Notice of Filing, filed on September 14, 2004; these defendants further move this Honorable Court to vacate all defaults, technical and otherwise, heretofore entered and, further, seek leave to file and Amended Appearance and Jury Demand, instant and, further, seek an extension of time, until October 26, 2004, to answer or otherwise plead to the Plaintiff's Complaint at Law. In support thereof, these defendants state as follows:

1. On September 14, 2004, these Defendants filed an Appearance and a Notice of Filing. The caption that appeared on the Appearance and Notice of Filing was that which appeared on the lawsuit filed by the plaintiff, and which improperly included the dates of birth,

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social security numbers, and Chicago Police Department Star numbers of Martin A. Vogel and Louis A. Rangel, and which also included the dates of birth and social security numbers of Joseph Yost and John Yost, and which further included the ARDC number of Joseph Patrick McCaffery.

2. The use of this caption was inadvertent and, therefore, the Catholic Bishop of Chicago, a corporation sole, and sister Bernadette Matheison respectfully request that this Honorable Court strike its Appearance and Notice of Filing of September 14, 2004.

3. Further, the Catholic Bishop of Chicago, a corporation sole, and sister Bernadette Matheison respectfully request that this Honorable Court:

- a) vacate all defaults, technical and otherwise, heretofore entered;
- b) grant leave for these Defendants to file an Amended Appearance and Jury Demand; and
- c) grant these Defendants an extension of time, until October 26, 2004 to answer or otherwise plead to the plaintiff's complaint at Law.

WHEREFORE, defendants, THE CATHOLIC BISHOP OF CHICAGO, a corporation sole, incorrectly sued herein as CATHOLIC BISHOP OF CHICAGO, a corporation sole/OUR LADY OF VICTORY SCHOOL; and SISTER BERNADETTE MATHEISON, individually, respectfully request that this Honorable Court strike their Appearance and Notice of Filing of September 14, 2004 and, further, these Defendants request that this Honorable Court vacate all defaults, technical and otherwise, heretofore entered against them and, further, that this Court grant these Defendants leave to file an Amended Appearance and Jury Demand, instantter, and,

that this Court grant an extension of time, until October 26, 2004, to answer or otherwise plead to the Plaintiff's Complaint at Law, or such other relief as this Court deems appropriate.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Rita M. Filiaggi', written over a horizontal line.

Rita M. Filiaggi
One of the Attorneys for Defendants

Gerald V. Cleary, III/ Fed. Atty. ID No. 6201000
Rita M. Filiaggi/Fed. Attn. ID No. 624379
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